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August 5, 1999

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

RE: New Divisional Patent Application in U.S.
Applicant(s): Tashiharu OHBA et al.
Title: PLANT PROMOTER AND METHOD FOR GENE EXPRESSION USING
SAID PROMOTER
Atty's Docket: OHBA-1A

Sir:

Attached herewith is the above-identified application for Letters Patent including:

- [X] Specification (202 pages), claims (4 pages) and abstract (1 page)
- [X] 29 Sheets Drawings (Figures 1 - 29)
 - [X] Formal [] Informal
- [X] Declaration and Power of Attorney (2 pages)
 - [] Newly executed [X] Copy from prior application no. 08/913,842
- [] Preliminary Amendment
 - [] Computer-readable Sequence Listing
- [] Supplemental Preliminary Amendment
- [] Information Disclosure Statement with () references
- [] A verified statement to establish small entity status under 37 CFR \$1.9 and 37 CFR \$1.27 (page(s))
- [X] A check in the amount of \$1072.00 (check no. 23128) to cover:
- [X] The filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 760.00
TOTAL CLAIMS	12 - 20	= 0	x 18	--
INDEPENDENT CLAIMS	7 - 3	= 4	x 78	312.00
[] Multiple Dependent Claim Presented			x260	--
[] Reduction of 1/2 for small entity				-\$
			TOTAL FILING FEE	\$ 1072.00

000000-22539600

- [] Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL		-	=	X \$18.00	\$
INDEP		-	=	x 78.00	\$
[] Multiple Dependent Claim Presented				x \$260.00	\$
Total of Above Calculations =					\$
Reduction by 1/2 for filing by small entity					-\$
Total Additional Fee =					\$

- [] Other Fees: _____
 [] Other Attachments: _____
 [X] Return Receipt Postcard (in duplicate)

The following statements are applicable:

- [X] The benefit under 35 U.S.C. §119 is claimed of the filing date of: Application No. 73043/1995 in Japan on March 30, 1995. A certified copy of said priority document [] is attached [X] was filed in progenitor case PCT/JP96/00777 on June 18, 1996.
 [X] The present application is a [] Continuation [X] Division [] Continuation-in-part of prior application No. 08/913,842.
 [] Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
 [] A signed statement deleting inventor(s) named in the prior application is attached.
 [X] The prior application was assigned to: TAKARA SHUZO CO., LTD., 609, TAKENAKA-CHO, FUSHIMI-KU, KYOTO-SHI, KYOTO 612, JAPAN.
 [X] Amend the specification by inserting before the first line the sentence:

This is a division of copending parent application Serial No. 08/913,842, filed September 30, 1997, which is a 371 national stage application of PCT/JP96/00777, filed March 26, 1996.

- [X] Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior application 08/913,842, which is relied upon under 35 U.S.C. §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
 [] A verified statement claiming small entity status is enclosed in progenitor application no. _____, filed _____. Status is

still proper and desired.

- [X] The paper copy of the Sequence Listing in this application is identical to the computer-readable copy of the Sequence Listing filed in application no. 08/913,842, filed September 30, 1997. In accordance with 37 CFR §1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application (or included in a separately filed preliminary amendment for incorporation into the specification).
- [] The undersigned attorney of record hereby revokes the powers of attorney of:
- [] The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:
- [X] The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
- [X] Any additional filing fees required under 37 CFR §1.16.
- [X] Any patent application processing fees under 37 CFR §1.17.
- [X] The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
- [X] Any patent application processing fees under 37 CFR §1.17.
- [] The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- [X] Any filing fees under 37 CFR §1.16 for presentation of extra claims.
- [X] If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- [X] The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,
BROWDY AND NEWMARK, P.L.L.C.

By:


Allen C. Yun

Registration No. 37,971